

REMARKS

Claims 1-49 are pending, with claims 9, 17, 33, and 41 being independent. Claims 1-8, and 25-32 have been withdrawn. Claims 9, 11-13, 15-17, 19-21, 23, 24, 33, 35, 37, 41, 41, 45, and 49 have been amended. Support for the amendments is found, for example, at page 20 of the specification. No new matter has been introduced.

Objection to the Specification

The Examiner has objected to the Abstract because it is longer than allowed. Applicants have amended the Abstract to overcome the objection. Applicants respectfully request that the Examiner withdraw the objection.

Claim Objections

The Office Action objected to a spelling error appearing in claim 49. Applicants have amended claim 49 to correct the spelling error. Applicants therefore respectfully request withdrawal of the objection.

35 U.S.C. § 101 Rejections

Claims 9-24 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because limitations "b" and "c" are "not required to be performed by a computer." See Office Action, page 4. While applicants submit that the previous instance of the claims that recited a "computer-implemented method" represent statutory subject matter, Applicants have nevertheless amended independent claims 9-24 to recite that the operations are performed "on a host." This amendment is believed to be responsive to the expressed concerns regarding statutory subject matter. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 9-24.

35 U.S.C. § 103(a) and 35 U.S.C. § 102(e) Rejections

Claims 9-16, 19-20, 23-24, 33-40, 43-44, and 47-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blaser (US Patent No. 6,757,661). Applicants submit that Blaser fails to describe or suggest the limitations of the amended independent claims.

For example, amended claim 9 recites, *inter alia*, a computer-implemented method for determining a score of an ad using a host. Local time of interest information associated with a request is received using the host. The local time of interest information is descriptive of a local time for a remote computer that varies from a local time for the host. An ad associated with local time of interest price information is accessed using the host. The local time of interest price information indicates a price for an ad in association with a local time. The host determines whether the local time of interest price information for the ad is related to the received local time of interest information.

Applicants respectfully submit that Blaser fails to describe or suggest, “receiving, using the host, local time of interest information associated with a request, wherein the local time of interest information is descriptive of a local time for a remote computer that varies from a local time for a host ... [and] using the host to determine whether the local time of interest price information for the ad is related to the received local time of interest information,” as recited by amended independent claim 9. In the rejection to the claims, the Examiner admits that Blaser at least fails to describe or suggest determining the score using at least the local time of interest price information. However, the Examiner states that it would have been obvious “to modify Blaser to include price information in addition to the performance information already disclosed” and that “Blaser teaches examining ad performance in similar demographics.” (Office Action, page 7). However, amended claim 9 does not recite “examining ad performance in similar demographics.” See Col. 6, lines 59-62. Rather, amended claim 9 recites “local time information that is descriptive of a local time for a remote computer that varies from a local time for a host.” Blaser simply fails to describe or suggest this limitation. Blaser does indicate that certain ads can be scheduled. However, the portion of Blaser that describes that advertisements may be scheduled fails to describe the notion of a local time for a remote computer that varies from a local time for a host. Thus, not only does Blaser fail to meet this limitation, Blaser also fails to describe or suggest the portion of amended independent claim 9 that recites, “using the

host to determine whether the local time of interest price information for the ad is related to the received local time of interest information," as is also required by amended independent claim 9.

Accordingly, the withdrawal of the rejection of claim 9 and its dependent claims is respectfully requested. Amended independent claims 33 and 49 recite similar limitations and are believed to be allowable for similar reasons. Accordingly, allowance of claims 9-16, 33-40 and 40 is respectfully requested.

Claims 17, 18, 21, 22, 41, 42, 45, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Blaser. Claims 17 and 41 have been amended in a manner similar to claim 9, and now recite, "wherein the local time of interest information is descriptive of a local time for a remote computer that varies from a local time for the host." Thus, claims 17 and 41 are believed to be allowable for the reasons that claim 9 is allowable as set forth above. In addition, claim 17 recites, "accessing, using the host, an ad associated with local time of interest performance information, the local time of interest performance information indicating a performance for an ad in association with a local time." As discussed above, Blaser only indicates that ads may be scheduled. Blaser does not indicate a performance for an ad in association with a local time, where this local time of interest performance information is then used to determine a score for the ad. Accordingly, allowance of claims 17 and 41 and their dependent claims is respectfully requested.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$1300 for the RCE (\$810) and the two-month extension (\$490) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit

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Respectfully submitted,

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